

Attorney's Docket No.: 07326-002002

OFFICIAL COMMUNICATION FACSIMILE:

OFFICIAL FAX NO: (703) 872-9306

RECEIVED  
CENTRAL FAX CENTER

FEB 11 2005

Number of pages including this page 13

Applicant: Scott Lochner et al. Art Unit : 2684  
Serial No.: 09/994,521 Examiner : P. Sobutka  
Filed: November 26, 2001

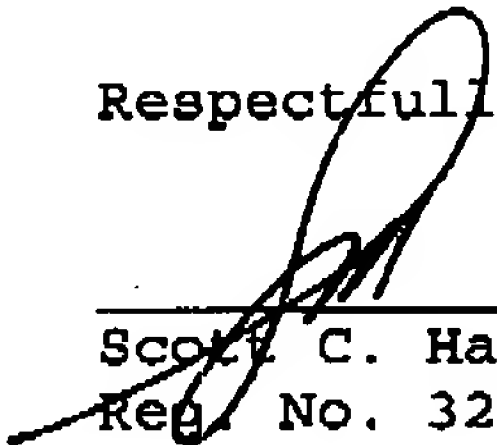
Title : MODULAR COMPUTER SYSTEM

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet is  
Brief on Appeal and Petition for Extension of Time, faxed this  
11<sup>th</sup> day of February, 2005, to the United States Patent and  
Trademark Office.

Respectfully submitted,

Date: February 11, 2005

  
\_\_\_\_\_  
Scott C. Harris  
Reg. No. 32,030

Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Fax: (858) 678-5099

10483994.doc

NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at (858) 678-5070 to arrange for its return. Thank you.

Attorney's Docket No.: 07326-002002/

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Scott Lochner et al.                      Art Unit: 2684  
Serial No.: 09/994,521                                      Examiner: P. Sobutka  
Filed : November 26, 2001  
Title : MODULAR COMPUTER SYSTEM

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

BRIEF ON APPEAL

Sir:

Applicant herewith files this appeal brief under rule 41.37, thereby perfecting the appeal brief originally filed on November 15, 2004. The sections required by the rule follow.

**(1) Real Party in Interest**

It is believed that the inventors remain the real party in interest.

**(2) Related Appeals and Interferences**

There are no known related Appeals and Interferences.

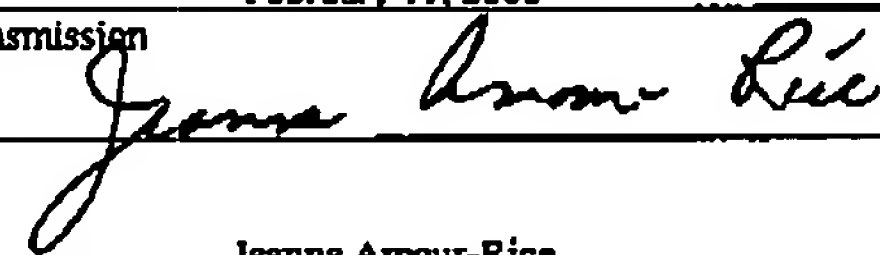
## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

February 11, 2005

Date of Transmission

Signature



Jeanne Armour-Rice

Typed or Printed Name of Person Signing Certificate

Attorney's Docket No.: 07326-002002

**(3) Status of Claims**

Claims 1-9, 17 and 21 are pending in the application. Claims 10-16 and 18-20 have been canceled. Claims 1-9 and 17 are appealed. Claim 21 is not appealed herein.

**(4) Status of Amendments**

An amendment after final was filed, and an advisory action indicated that this amendment would be entered, but that the amendment did not overcome the rejection.

**(5) Summary of Claimed Subject Matter**

The present application describes a wireless computer system formed of modular components. Claim 7 defines a storage and control device, with a processor, memory, and display element. For example, the storage and control system can include the unit 70, see page 12 line 7. A wireless transceiver, such as described in page 6 line 15, or transceiver unit 72, see page 12 line 8, wirelessly communicates the display outputs, and an input output signal and subsystem may display the information.

The display element describes that it produces an output signal and that the output signal is produced in bursts with delays between the bursts during which information is not transmitted. This is described, for example, page 13 lines 21-

Attorney's Docket No.: 07326-002002

22. In this way, information to update the display is transmitted in bursts, but the display still produces a full-screen display signal even though the portion of information is submitted in bursts.

**(6) Grounds of Rejection**

Claims 1-9, and 17 are rejected as being obvious over Auer in view of Tymes. With all due respect, it is requested that this ground of rejection be reviewed on appeal.

**(7) Argument**

The hypothetical combination set forth by the patent office is based on Auer in view of Tymes. Auer teaches a separated keyboard and display which operates in a conventional way. Tymes teaches a system that transmits data in bursts with delays between the bursts. Tymes teaches, however, that the information is sent in bursts, because each of the remote terminals 15 does not get information all the time. That is, Tymes teaches that the information is sent in bursts to be displayed in bursts. Tymes does not teach the information sent in bursts to be continuously displayed.

The hypothetical combination of Auer in view of Tymes, therefore, could operate in one of two ways. Either it could use Auer's teaching of continuous display of information or it

Attorney's Docket No.: 07326-002002

could use the teaching from Tymes of receiving in bursts and displaying in bursts. Neither Auer nor Tymes, nor any fair combination between the two, teaches receiving in bursts and displaying continuously. The rejection states that Auer teaches a continuously displayed screen. Tymes is provided to show that data can be coupled via burst packet protocol. Nowhere is there any teaching or suggestion, however, that Tymes produces a continuously displayed full-screen display. Therefore, the hypothetical combination would use a Auer type system with Tymes' teaching of receiving in bursts and displaying in bursts.

In the advisory action, the patent office states "clearly Tymes does not intend that the displays only present data for a few milliseconds of the burst". First of all, there is no showing that Tymes can only produce the bursts for milliseconds. Moreover, this bootstrapping of what Tymes "intends", certainly does not meet the patent office's burden of providing a prima facie showing of unpatentability. The rejection relies on what the patent office now says the reference must not intend. It is not relying on the express teaching of the reference, but rather only on the teaching of the reference as interpreted after considering the present specification and today's knowledge of technology.

Tymes simply teaches that when data is only available at times, you can receive and/or transmit in bursts, and turn off

Attorney's Docket No.: 07326-002002

between the bursts. It does not teach or suggest a full-screen display being continually transmitted, but received and transmitted in bursts. No fair teaching of the Tymes reference supports this. In fact, anything that the patent office says that Tymes must "intend", must necessarily be tempered with the knowledge of technology today, not the knowledge of technology at the time of the filing of this application.

Auer in view of Tymes teaches a computer interface device. There is no teaching or suggestion about how this kind of system could operate based on bursts of data. Therefore the hypothetical combination would teach a computer device as shown in Auer along with the teaching of Tymes that when the data occurs in bursts, that it should be transmitted in bursts and the display be turned off between the bursts. This is exactly the opposite of what is taught here, that a continuously displayed full-screen display is obtained using a display output received in bursts. Notwithstanding what the patent office believes Tymes must "intend", the rejection must be based on what Tymes teaches, not what the patent office believes in 2005 it Tymes intended in 1989. Tymes does not teach how to modify a continuous display system such as Auer, to receive in bursts and yet display continuously. Therefore, claim 1 should be allowable along with the claims that depend therefrom. Each of these claims should be independently allowable. For example,

Attorney's Docket No.: 07326-002002

claim 9 should be additionally allowable since it defines a directional coupler. Nowhere in any of the prior art is there a teaching or suggestion of a directional poplar. Directional couplers have been used in various systems, but not in a wireless transceiver of the type claimed. Therefore, the rejection of claim 9 is further respectfully traversed.

Claim 17 requires that the bursts provide new graphics for a changed portion of the existing full-screen display. In the advisory action, the patent office states that "the burst would supply all the information for display so of course if anything in the display were changed the the burst would have supplied the data". This attempts to read the claim as though it did not include the word "portion". Claim 17 requires information for a changed portion of the existing full-screen display. A portion must inherently be less than the entire full-screen display. Therefore, the rejection attempts to read the claim as though that word did not exist. This contention is respectfully traversed, and reconsideration of this rejection is hence requested.

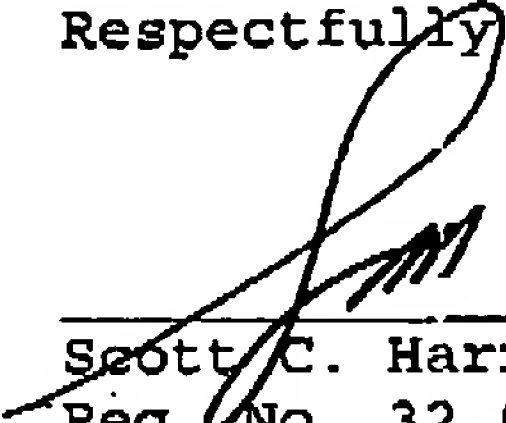
In view of the above, the rejection does not meet the Patent Office's burden of providing a prima facie showing of unpatentability.

Attorney's Docket No.: 07326-002002

Please charge the appeal brief fee of \$250. Please apply  
any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 2/11/05

  
\_\_\_\_\_  
Scott C. Harris  
Reg. No. 32,030

Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099  
10483746.doc



Attorney's Docket No.: 07326-002002

**Appendix of Claims**

1. A wireless computer system comprising:

a base storage and control system including:

a processor, receiving and using an input signal in real-time, the input signal being for use in interacting with an application program being executable at the base storage and control system,

a non-volatile memory,

a display element producing an output signal based on the input signal and execution of the application program, said output signal being produced in bursts, with delays between the bursts, during which delays, no information is transmitted, and

a wireless transceiver that wirelessly communicate the display output signal when produced;

at least one portable input-output system for use with the base storage and control system, the portable input-output system including:

a wireless transceiver, which wirelessly communicates the input signal to the base storage and control system and wirelessly receives the display output signal from the base storage and control system,

a user interface, allowing inputting an information item and generating an input signal corresponding to

Attorney's Docket No.: 07326-002002

the information item, the input signal being wirelessly communicable in real-time to the base storage and control system to interact with the application program being executable at the base storage and control system, and

an arrangement for providing a continuously-displayed full screen display using the display output signal received in bursts to generate a portion of the full screen display corresponding to the display output signal.

2. The wireless computer system of claim 1, wherein at least one of a radio frequency signal and an electromagnetic frequency signal is used as a communication signal by said wireless transceivers

3. The wireless computer system of claim 2, wherein:  
the communication signal has a wavelength longer than an infrared signal wavelength, and

the communication signal includes at least one of a modulated signal, an amplitude modulated signal, a frequency modulated signal, and a spread spectrum modulated signal.

4. The wireless computer system of claim 1, wherein the output display signal includes at least one of a video signal, a video synchronizing signal, a horizontal video synchronizing

Attorney's Docket No.: 07326-002002

signal, a vertical video synchronizing signal, a composite video signal, a video and synchronizing signal, and an RGB signal.

5. The wireless computer system of claim 1, wherein the input signal is a keyboard signal.

6. The wireless computer system of claim 1, wherein:  
the input signal is a keyboard signal and the output display signal includes at least one of a video signal, a video synchronizing signal, a horizontal video synchronizing signal, a vertical video synchronizing signal, a composite video signal, a video and synchronizing signal, and an RGB signal.

7. The wireless computer system of claim 1, wherein at least the input signal is an asynchronous signal.

8. The wireless computer system of claim 1, wherein said wireless transceivers each include:

an antenna;

an arrangement for demodulating a communicated signal corresponding to at least one of the input signal and the output display signal; and

an arrangement for modulating at least one of the input signal and the output display signal.

Attorney's Docket No.: 07326-002002

9. The wireless computer system of claim 8, wherein said wireless transceivers each include a directional coupler, the directional coupler being coupled to the antenna.

17. The wireless computer system of claim 1, wherein for an existing full screen display at the at least one portable input-output, the burst provides new graphics information for a changed portion of the existing full screen display.